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CIVIL AND POLITICAL RIGHTS, INCLUDING QUESTIONS OF:
TORTURE AND DETENTION

Letter dated 12 March 1999 from the Permanent Representative of the Republic of Cuba to the Secretary of the Commission on Human Rights

I am addressing myself to you to seek your cooperation in ensuring that effective action is taken to comply with the request contained in my note of 24 July 1998 to the Chairman/Rapporteur of the Working Group on Arbitrary Detention, and repeated on 11 February of the current year, that the reply by the Government of Cuba to Opinion No. 1/1998 be reproduced in the report of the Working Group on Arbitrary Detention (E/CN.4/1999/63/Add.1).*

(Signed): Carlos AMAT
Ambassador
Permanent Representative

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* The annex is reproduced in English, French and Spanish only.

ANNEX

1. The Cuban authorities note with satisfaction certain elements contained in Note G/SO 218/2 MS and in the text of "Opinion No. 1/1998" itself, namely:

(a) The sober, measured and respectful tone which generally characterizes both documents.

(b) The express reference, at the start of the "Opinion", to the fact that Cuba is not a party to the International Covenant on Civil and Political Rights and - even more importantly - that "opinions" issued in respect of Cuba should therefore not be based on the provisions of the said Covenant.

(c) The fact that the Group saw fit to recognize expressly:

- "the deprivation of liberty of the persons [referred to in the case] may be considered to be in conformity with [Cuban] national legislation" ("Opinion", para. 14);
- "the full and timely cooperation of the [Cuban] Government" (ibid., para. 5);
- its appreciation to the Government "for having supplied the requested information in a timely manner" (ibid., para. 2);
- the description of "full and detailed" warranted by the meticulous reply given to its request for information on the case in question (ibid., para. 7); and
- "the deprivation of liberty of the persons [referred to in the case] may be considered to be in conformity with [Cuban] national legislation" (ibid., para. 14).

2. The Cuban authorities consider that the Group has in fact acted in accordance with its mandate, inasmuch as this is indeed an instance of detention (or remand in custody) in a case in which no enforceable sentence has yet been passed.

3. On the other hand, however, they are puzzled by the Working Group's statement (para. 4) that "guided by a spirit of cooperation and coordination" it decided "to take into account [in rendering its 'Opinion' in this case] the report prepared by the Special Rapporteur on Cuba in accordance with Commission on Human Rights resolution 1997/62" (E/CN.4/1998/69).

4. It seems inexplicable, at first sight, that the Group should have taken into account as the basis for its opinion a document which, after having been defended in extenso by the Special Rapporteur before the Commission last April, received no endorsement whatsoever from that body.

5. Moreover, it should be pointed out that in a roll-call vote this year the Commission absolutely defeated the usual draft resolution which the United States has presented year after year since 1991 on the so-called "situation of human rights in Cuba".

6. In the operative part of this draft resolution the Commission would have commended "the Special Rapporteur for his report and his efforts to carry out his mandate ..." (para. 3), decided to extend the said mandate for one more year (para. 11) and called upon the Government of Cuba "to carry out the recommendations contained in the report of the Special Rapporteur ..., in particular [those relating to] the detention and imprisonment ... of ... human rights defenders and others who are engaged in the peaceful exercise of their rights ..." (para. 8).

7. In rejecting the said draft resolution, the only action taken by the Commission in 1998 with regard to the Special Rapporteur and the contents of the above-mentioned report was merely to decide not to extend Mr. Groth's mandate, to refuse to accept his recommendations, and to refrain from making any positive judgement of his work. The Commission's decision was therefore clear, simple and straightforward.

8. However, what is most striking about the Working Group's decision to take account, in drafting its "Opinion", of a report not approved by the Commission, is that this defeated text invited "the Special Rapporteur and the existing thematic mechanisms of the Commission to cooperate fully and exchange information and findings on the situation of human rights in Cuba" (para. 13, emphasis added).

9. "Opinion No. 1" was adopted by the Group on 13 May 1998, that is to say over three weeks after the rejection of the preceding text by the Commission, and the Note addressed to the Permanent Representative of Cuba in Geneva was sent on 2 June of this year, i.e. more than six weeks after that vote. Neither document mentions the decision referred to above. It is reasonable to suppose that the Group was informed of what had taken place in the Commission on 21 April.

10. If that was the case, then the decision to take the report into account is obviously nonsensical, and borders on prevarication, in the strictest technical sense of the term.

11. If the "spirit of cooperation and coordination" invoked in paragraph 4 of the "Opinion" refers not to the Working Group's relations with the Government of Cuba, but rather to its links with the Special Rapporteur ousted by the Commission - given that for many years the resolution against Cuba contained an operative paragraph expressly involving the Working Group in the political machinations of the United States, through Mr. Groth - this is not a valid reason for the Group's interest in his report of this year.

12. But whatever ulterior motives the Group may have had for taking this document into account, the fact that it did so in itself gives rise to justified concern. The Group now seems inclined to revert to certain harmful attitudes which one might have thought had been somewhat calmed following the debates in the Commission in 1996, and which had historically led the Group to feel detached from the decisions of those bodies of which it is only a subordinate mechanism, and to act at its own discretion. As will be recalled, on repeated occasions between 1992 and 1996, the Cuban Government felt obliged to draw the Group's attention to this unacceptable attitude. The Government's strong reservations of yesterday today have equal, or even greater validity than in the past.

13. Turning now to the substance of the arguments put forward by the Group to justify its Opinion in the case of the detention of the four Cuban citizens referred to therein, the Cuban authorities apply very different criteria to those used by the Group in its conclusions.

14. To begin with, it is worth reiterating the views expressed in the past by the Cuban Government concerning the three categories that the Working Group uses to determine whether detention is "arbitrary"; these are repeated in paragraph 3 of the "Opinion" rendered in this case.

15. It is worth mentioning, in this connection, its unconditional agreement with category I; its acceptance of category II provided that the deprivation of liberty that has been ordered is in breach of its national legislation and its formally contracted international legal obligations; and its acceptance, also conditional, of category III, provided that all the remedies allowed in

internal legislation to complain about such non-compliance with its national legislation and its international obligations (although not with non-binding standards) have been exercised and exhausted.

16. Furthermore, it is appropriate to point out that the Group seems to give central importance in its reasoning to the fact that the detainees did not resort to violence in the acts they are charged with having committed. In other words, they are supposedly accused of what in French legal language is known as an unacceptable "crime of opinion" (délit d'opinion). Moreover, the Group tacitly accepts the view held by Amnesty International that such a "non-violent attitude" is fundamental to the definition of a "prisoner of conscience".

17. The Group has apparently decided that only acts or omissions which directly or indirectly have an element of violence should deserve to be punishable in the world's criminal codes. It seems not to take account of the fact that in practically all legislations worldwide - including that of Cuba - there are offences defined as such which include an element of violence, and others in which no such element is present but which still constitute punishable offences. The Group also forgets that nothing in its mandate permits it to establish such an interpretation.

18. The Cuban authorities are firmly convinced - from Cuba's active participation in the work of the Commission, which in 1991 set up the Working Group - that the term "arbitrary" used to define the practical framework of the Group's mandate on detention has an indisputable meaning: actions or omissions contrary to internal law and/or to the legal obligations freely contracted by the State concerned, in the exercise of its sovereignty.

19. The Group already accepts that the provisions of the International Covenant on Civil and Political Rights cannot be applied to Cuba as legal obligations in the case under discussion. It likewise accepts that the "deprivation of liberty of the persons ... referred to may be considered to be in conformity with national legislation" (paragraph 14 of the "Opinion", emphasis added). The Group does not invoke any other human rights treaty or convention which contains provisions establishing obligations for Cuba which could have been violated in this case.

20. The only basis which the Group finds for considering the precautionary measure applied to the detainees in this case to be arbitrary is that "this

legislation [in force in Cuba] contravenes [sic] the provisions of articles 19 and 23 of the Universal Declaration of Human Rights" (paragraph 14 of the "Opinion", emphasis added).

21. The first point to be made about this reasoning is that the reference here (as also in paragraphs 12 and 15 of the "Opinion") is to article 23 of the 1948 Declaration. This provision quite obviously refers to the right of everyone to work, to non-discrimination in pay and to just remuneration ensuring an existence worthy of human dignity, and the right to form and join trade unions for the protection of his interests.

22. None of the foregoing, in the opinion of the Cuban authorities, has any bearing on the facts with which the Group is concerned in this particular case. This is presumably a substantive error which has crept into the text as received. The Group is duly requested to clarify this matter.

23. From the contents of paragraph 12 of the "Opinion" (which suggests that the conduct of the accused is related to their "political participation") it may be inferred that the reference is to article 21 of the Declaration, and not to article 23, as stated in the "Opinion". Assuming this to be the case, the competent Cuban authorities believe it is appropriate to make the following points.

24. Article 21 also quite obviously refers, in the part pertinent to the case in question, to the right of everyone to take part in the government of his country and to have equal access to public service in his country. Prior to their detention, the four accused persons were at no time deprived of the exercise of these rights as established in the electoral legislation in force in Cuba. Once the precautionary measure of detention was imposed and they were remanded in custody in a penitentiary establishment, it goes without saying that - as in any country of the world where a person is in the same situation - they did not participate in the elections of 1997 and 1998.

25. Those elections, moreover, served to ensure the implementation of the last part of this same article 21, through the fulfilment by the authorities of their legal duties to guarantee the exercise of the will of the people, which - as stated in article 21 - is the basis of the authority of government.

26. The last part of article 21 also states that the will of the people shall be expressed in periodic and genuine elections (not without them), and

that such elections shall be by universal and equal suffrage and by secret vote (as actually provided for by the Electoral Act in force in Cuba).

27. Since the corresponding court, in its turn, determined the charges to have been proven, it is difficult to find grounds for arguing that the actions in question, i.e. obstruction of the electoral process (or the "personal choice expressed in a peaceful manner for which the detainees were calling", as the Working Group prefers to style it), could favour the exercise by other citizens of the rights recognized in article 21.

28. The Cuban authorities always have difficulty with putting the safeguard of actions contrary to established legal institutions, carried out by a few individuals, before the right of the vast majority of citizens who do want to exercise the rights which the same institutional framework confers on them. This was demonstrated here by the results of the elections in 1997 and 1998.

29. The more serious objection we have to the reasoning used by the Group to justify its "Opinion No. 1 of 1998" arises from the contents of paragraphs 13 (b) (final part), 14 and 15. According to this reasoning, although the detention is in conformity with national legislation, it could constitute a violation of the recommendations in the Universal Declaration, and such an interpretation is considered sufficient by the Group to conclude that the detention is arbitrary.

30. This reasoning is absolutely and completely unacceptable for the Cuban authorities. In the first place, it presupposes that the value judgements of the Group have greater legal standing than the decisions issued by the Cuban national authorities, whether these be judicial, administrative or law enforcement bodies. It should be reiterated once more that at no time, either in giving its agreement in the Commission to the establishment of the Working Group, or subsequently during the performance of the tasks of that body, has Cuba ceded any aspect of its sovereignty.

31. Secondly, the reasoning used presupposes the equally unacceptable pre-eminence of a recommendatory document of the United Nations (whatever its value "as a common standard of achievement for all peoples and all nations", to quote the Preamble to the 1948 Declaration) over national legislation in force in any country. The United Nations is still very far from being a

universal parliament empowered to impose some kind of homogenizing standard on its Member States without their consent, in this or any other sphere.

32. In addition, the Group seems to forget (or not to see the relevance of applying) other provisions of singular value contained in the Declaration. Article 29, paragraph 2, of this text clearly indicates that the exercise of a right or freedom recognized therein is subject to the limitations necessary to secure the recognition and respect for the rights and freedoms of others (as already pointed out in paragraph 23 above).

33. Moreover, this same paragraph recognizes, logically, that national law and not the Declaration itself, can limit the exercise of these same rights and freedoms established in the text, on the basis, inter alia, of "the just requirements of ... public order". It is the national authorities, and not the Working Group, which decide, in Cuba, what these just requirements of public order are; and it is Cuban law, and not the Universal Declaration, which establishes what limitations are pertinent to this end.

34. Accordingly, the Cuban authorities do not consider that the current legislation in Cuba applicable to the case under examination is in contradiction with the provisions of the articles of the Universal Declaration invoked by the Group in its substantiation of its the "Opinion" rendered in this case.

35. For the above reasons, the Cuban authorities are of the view that "Opinion No. 1 of 1998" is clearly unfounded, and this view will inform its future action in this case.

36. With regard to what the Group requests the Cuban Government to do, in paragraph 16 of the "Opinion", the authorities wish to set out the following views:

(a) The first of these requests is considered inadmissible for the reasons given above regarding the basis of the "Opinion";

(b) The second is also inadmissible by reason of superfluity, inasmuch as the consideration of the possibility of Cuba becoming a State party to the International Covenant on Civil and Political Rights and the Optional Protocol thereto is an ongoing process; and

(c) The third may be deemed not pertinent, as such a request is not consistent with the Group's mandate, and it is also inadmissible by reason of superfluity, given the constant efforts of the Cuban Government not only to

achieve harmony in this sphere between its legislation and its international obligations, but also to effectively guarantee to all Cuban citizens (not just to a few, as in Cuba's political past) the effective realization (and not the mere enunciation in an abstract legal text) of the rights and freedoms established therein. In the final analysis, that is what is important.

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COMMISSION ON HUMAN RIGHTS
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Item 9 of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Note verbale dated 15 March 1999 from the Permanent Mission of Myanmar to the United Nations Office at Geneva addressed to the secretariat of the fifty-fifth session of the Commission on Human Rights

The Permanent Mission of the Union of Myanmar to the United Nations Office and other International Organizations in Geneva presents its compliments to the secretariat of the fifty-fifth session of the Commission on Human Rights and has the honour to enclose herewith* a copy of a memorandum concerning the situation of human rights in Myanmar.

The Permanent Mission would be grateful if the aforementioned document could be circulated as an official document of the fifty-fifth session of the Commission on Human Rights under agenda item 9 in all United Nations official languages.

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* The annex is reproduced as received in the language of submission only.

Annex

Memorandum Concerning the Situation of Human Rights in Myanmar

Introduction

Human Rights have become a major theme of international discourse in recent years with human rights aspects being incorporated into almost all of the activities of the United Nations. Efforts to promote and protect human rights have also become intense.

Myanmar wholeheartedly supports the protection and promotion of human rights and thus, welcomes this trend as a positive development for human society as a whole. At the same time, it is essential that certain basic principles be scrupulously observed if the whole exercise of promoting human rights is not to be counterproductive.

In our view, the basic ground rules are simple and easy to adhere to, provided that one possesses sincerity and goodwill. With regard to Myanmar, one only needs to be impartial and objective, while taking into consideration the unique history and peculiar social, cultural and religious values of its people.

This is even more pertinent when alleged violations of human rights in a given country are considered by relevant United Nations bodies. To be able to retain their credibility, the United Nations bodies concerned should be free from politicisation. They must respect the relevant fundamental principles of the UN Charter, particularly those relating to non-interference in matters which are essentially within the jurisdiction of the state.

If these principles are observed by all, the essence of human rights will prevail, and the world will be a just, safe and happy place for all to live in.

This memorandum has been prepared for the ready reference of the members of the Commission on Human Rights and observer delegations to enable them to understand better the true situation prevailing in the Union of Myanmar. In order to arrive at the truth of any issue, it is vital to have a sound and holistic background knowledge on the subject. This is even more important when assessing the situation of human rights of a country, for each country has its own unique situation as no two countries are alike.

It is hoped that the participants of the 55th Session of the Commission on Human Rights will take into account many interwoven factors involved and view the situation in Myanmar from a more balanced and unbiased perspective, in order to arrive at a correct conclusion.

Importance of Peace and Stability

The present Government was compelled to assume the responsibilities of the State in 1988, in order to save the country from a rapidly worsening anarchic situation where lawlessness became widespread, mob action began to rule, and innocent people were being beheaded on the streets.

Once the Government assumed State powers, it laid down clear objectives aimed at re-establishing a multi-party democratic state that would reflect the aspirations of all the citizens of Myanmar.

The Government and the people strongly believe that without unity in Myanmar, the maintenance of independence and preservation of sovereignty as well as the development of the nation cannot be achieved. As such, the national reconsolidation process was

accorded one of the top priorities of the Government. The Government invited all the groups that had chosen the path of armed struggle against successive Governments to return to the legal fold and to participate in the efforts to build a peaceful, developed and democratic nation.

All save one of the major armed groups have heeded this sincere call and efforts are still in progress to persuade the sole remaining group, the Karen National Union (KNU), to follow suit. The KNU is still engaged in a futile armed struggle against the Government, totally ignoring the olive branch extended by the Government. The KNU which was declared illegal in 1949, has undergone many changes in both its leadership and political persuasion. Under its current guise, it masquerades as a democratic force. It has also undertaken to destabilise the peace and stability achieved so far in the border areas by trying to instigate those armed groups which have already returned to the legal fold to reject the efforts of the Government and people to build a peaceful, prosperous and democratic nation.

The fighting strength of the KNU was considerably diminished some four years ago when most of its rank and file, who were dissatisfied with the leadership and who wanted peace, broke away from the main organisation. Subsequently, the KNU lost all of its major camps on Myanmar soil. Its movements are now limited operating in the form of small mobile units only.

The family members, sympathisers, and supporters of the KNU are still based in the so-called "refugee camps", established across the border by the KNU since the 1980s, in order to elicit the support and sympathy of the international community. Media reports by international correspondents confirm that the camps have been used as a safe haven by the KNU who store their weapons there, and launch atrocities against the Government and the local populace in Myanmar.

It is from these camps, and pocket areas in the country where remnants of the KNU still exist, that unfounded allegations and accusations against the Government emanate. Those who bear ill-will against the Government and the people of Myanmar quote these characters as "credible sources" of news regarding Myanmar, deliberately misleading the international community.

However, the Government still extends the peace offer to the KNU with sincerity and patience, and stands ready to receive back all Myanmar nationals who have been residing in the so-called "refugee camps". Hundreds of KNU members have taken advantage of the Government's offer and have "exchanged arms for peace" of their own accord. The returnees are warmly welcomed by the authorities and necessary assistance provided. They have realized the genuine goodwill of the Government and are now participating in the regional development activities. Many more are continuously breaking away from the KNU and "exchanging arms for peace." Soon the Kayin State can look forward to being part of the development activities that are flourishing throughout the country.

It now lies in the hands of the leadership of the KNU to seriously consider what their main objectives for their people are, and to commit themselves to the most practical and sensible way of bringing peace and prosperity to the people they profess to speak for, in order to bring an end to the pointless bloodshed and seemingly endless life as refugees they claim they have to endure. It is they who choose their way of life and they who condemn themselves to lives as refugees.

They only need to look at the other groups who have come into the legal fold and are working together with the Government for the betterment of their people to know that they would be welcomed with open arms and that their own aspirations for the development of the people they claim to represent will be realised in a peaceful and successful manner. They

need to balance their own need for personal power with the need of their people for the right to a peaceful existence.

The effort of the Government has resulted in the people of Myanmar, especially those residing in the border areas, enjoying the peace and stability that prevails in the country for the first time in many decades.

Development of Border Areas and National Races

An absence of infrastructure and the lack of peace and stability meant that the border areas, where many of the 135 national races of Myanmar reside, have lagged behind the rest of the country in development. Some of the people there had turned to poppy cultivation, which does not have to depend on roads for transport as other perishable produce would. Decades of ignorance had kept them blind to the effects that narcotic drugs can have on society and mankind as a whole.

Abuse and illicit trafficking of narcotic drugs bring about crime and undesirable activities, money laundering and deterioration of the moral character of populations - in short, a major socio-economic challenge to the well-being of all mankind. It is a threat to the right of the people to enjoy quality of life. It is with strong convictions that the Government of the Union of Myanmar has always held anti-narcotics measures as a national responsibility.

It is an established fact that the poppy plant was introduced to the northern regions of Myanmar in the nineteenth century by the colonialists. In the face of strong objections from the people, the Buddhist clergy, and the American Baptist missionaries, opium dens were allowed to operate freely. Thus were the people of Myanmar introduced to narcotic drugs.

Myanmar has always contributed unstintingly to the fight against narcotic drugs. Our soldiers have paid dearly: 776 of them have been killed in action from 1988 to 1997, while 2350 sustained injuries. They did this out of their sense of duty. They get no glory and no international recognition for their selfless sacrifice.

Drug control programmes in Myanmar take a three pronged attack, aiming at supply reduction, demand reduction and law enforcement. 1997-98 records show that 49,000 acres of poppy plantations were destroyed by the Government and the people. Poppy cultivators are given education in order to encourage them to seek their livelihood by other means such as crop substitution. In the Kokang region for example, buckwheat is being cultivated with assistance from Japan. Law enforcement personnel regularly seize and destroy illicit drugs; the period of September 1988 to the end of 1998 saw the seizure and destruction of over 28385 kilograms of opium, 4125 kilograms of heroin, 26 million tablets of amphetamine-type stimulants, 6239 kilograms of ephedrine and 56832 gallons of precursor chemicals. 98 heroin refining laboratories were also destroyed. Members of foreign missions in Myanmar as well as journalists are always invited to attend the large-scale destruction of narcotic drugs. Delegates to the 4th International Heroin Conference held in Yangon in February 1999 participated in the most recent destruction of narcotic drugs.

This conference was organised by ICPO-Interpol General Secretariat and hosted by the Government of Myanmar. It was attended, among others from 28 other countries, by the Director of the Office of Interpol Director-General, Mr. Paul Higdon, who also commended the Myanmar Government's efforts aimed at eradication of illicit drugs. It is regrettable that some Western countries decided to boycott the conference for political reasons, totally ignoring its universal humanitarian aspects.

Myanmar has presently embarked on a 15-year narcotic drugs elimination plan. The plan calls for three five-year periods ending in 2014. Fifty-one major opium poppy cultivating townships in the Shan State, Kachin State, Kayah State and Chin State have now initiated activities for the elimination of narcotic drugs. Activities being implemented include alternative crop development, livestock breeding, roads and bridge construction, communications, energy, commerce, health rehabilitation, education and enhancing the activities of law-enforcement agencies. Prioritized activities include the elimination of opium poppy cultivation and production, elimination of drug abuse, law enforcement, organising the entire mass of people to join in the activities, and international cooperation.

The Government and the people of Myanmar will continue to be firm in their commitment and dedication to carry through the task of eliminating the national and international scourge of drugs despite limited resources. Of course, this goal could be achieved much sooner than targeted should there be assistance from the international community to whom Myanmar is always ready to extend her fullest cooperation.

Since the programmes planned for the elimination of narcotic drugs also work for the alleviation of poverty in the border areas by giving them alternate means of livelihood, as well as health care, education and the infrastructure to carry it all through, it cannot but follow that the quality of life for the people in the border areas should continue to improve together with the peace and tranquillity that they are experiencing for the first time in many decades. Being able to enjoy the fruits of development is, after all, their right.

Developments in the Democratisation Process

The Government is at present laying grounds for democracy to function fully in the country, for a democratic state that would reflect the aspirations of all the 135 national races residing in the Union.

Where only one political party - the Socialist Party - was allowed under the State Constitution existing prior to 1988, the present Government has allowed a multitude of political parties, reflecting all shades of political opinions, to be formed under existing laws and regulations. Today, 10 legally-standing political parties, including the National League for Democracy (NLD), function in the country.

An essential prerequisite for building a genuine multi-party democratic state in accordance with the aspirations of the people is a strong and enduring State Constitution. This is also the expressed wish of the majority of the political parties.

The National Convention, created to provide the disciplined forum for political dialogue, has been convened to lay down fundamental principles to be enshrined in the future democratic State Constitution. All the political parties, together with representatives from all strata of society, were invited to take part in the convention, so that they could have a platform on which to give their opinions and on which they could discuss the future of the country together. The delegates have so far managed to reach consensus on over a hundred basic principles, through the process of open and frank deliberations.

Although the Plenary of the National Convention is not in session at this point, the National Convention Convening and Work Committees are at present active in the fulfilment of their responsibilities and are working on the basic principles in the matter of power sharing between the central organs of the State and those of the States and regions. With half the

work of the National Convention already completed, the delegates will be able to discuss in detail this important and sensitive issue when the Plenary Session of the National Convention reconvene.

The Government is convinced that a true democracy can be arrived at only through a systematic step-by-step process so that the system will be one that endures, ensures peace and stability in the country, besides withstanding the test of time and of circumstances.

In terms of national reconsolidation and nation-building, the present Government has managed to achieve what previous Governments were not able to. The Government has promoted peace and stability by fostering understanding among the national races. However, the country is still at a stage of a fragile political and economic development. It would take little to plunge the country and the people into chaos once more. It should not be difficult to see why the Government is so determined that the momentum be kept up and the country not slide back into an anarchic situation. Only then can the country be eventually transformed into a peaceful, prosperous, modern democratic nation.

One needs to ponder whether premature calls for full political rights take into consideration the potential for turmoil, insecurity, bloodshed that have taken place in more than one country around the world when a democracy is thrust upon a society not yet primed for it. Most of the developed countries have had decades, if not centuries to perfect their political systems. It is not a matter that can be achieved overnight without the groundwork being laid.

As such it is of utmost importance that the legally standing political parties in Myanmar adhere to relevant laws of the land. Only in the environment of the rule of law can true democracy flourish. The Government does not interfere with the activities of any of the political parties pursuing their work within the bounds of the existing laws and regulations.

And just like any other responsible Government, it has the responsibility to maintain law and order in the country so that its people enjoy the right to live in peace and security.

The National League for Democracy (NLD) has also all the rights and responsibilities enjoyed by other legally standing political parties. But this one political party has shown, under various circumstances, that it is bent on taking advantage of the forbearance of the Government. The NLD has set in motion, more than once, courses of action that could lead to undesirable upheaval. On the other hand, it has been demonstrated time and again that the NLD is able to hold party functions successfully when it operates according to the rules and regulations.

Daw Aung San Suu Kyi has also been freely initiating and taking part in political activities within the bounds of prescribed regulations, and when they do not threaten personal security.

The series of agitative activities conducted by the NLD last year were designed to destabilise the situation. The NLD secretly and systematically plotted to convene a parliament on its own. In September the NLD issued a declaration regarding the formation of a 10-member committee to convene a parliament. If the NLD took this line of action, the party could then become some sort of a "parallel government", which no government could ever countenance. If such a situation were to arise whereby a parliament is summoned, legal action would have to be unavoidably taken against the NLD and this would only be detrimental to the interests of the party.

To forestall such a situation from arising, the Government had to take appropriate measures in the supreme national interest. In order to maintain stability and national security, representatives-elect and some party members of the NLD have had to be called in temporarily at guest houses for the purpose of exchanging views on the consequences of the

actions of the party for the peace and stability of the State. It should be understood that the measures taken by the Government were totally preventive in nature and in no way aimed at interfering in the normal political work of the NLD.

It should also be kept in mind that the Government, after all, convened the National Convention with the view towards framing a firm and enduring State Constitution. There is no alternative to the National Convention process and any other approach would only be detrimental to the country and its people.

The Government has time and again reaffirmed its commitment to the establishment of a truly democratic society in Myanmar according to the aspirations of all its citizens. Furthermore, it has repeatedly declared that it is transitional in nature and that it has no intention of exercising State power any longer than necessary. Once a firm and enduring State Constitution has been adopted, it will form the basis upon which the transfer of State power to the people will be achieved. The Government will then convene a parliament upon the emergence of this State Constitution.

However, a constitutional process in a country can proceed only as far and as fast as circumstances permit. Myanmar is no exception and this Government is doing its utmost to create conditions conducive for the democratisation process to succeed in the shortest time possible.

Attempts from outside to hasten the process or to set the direction in which Myanmar should move would only hinder the pace of democratisation and prove to be counter-productive.

The Government of the Union of Myanmar is fulfilling its responsibility to implement the transition of the country from one political and economic system to another and has to balance

the political rights of one person or one political party with the right of the whole population to live in peace and security and the right to development of the whole population. In the present circumstances, the Government views the latter to be of greater importance for its 46 million people, especially in the face of the financial crisis which is adversely effecting the whole region, and which, like its neighbouring countries, Myanmar is having to weather.

The Government of the Union of Myanmar will continue to be resolute in its commitment to establish a genuine multi-party democracy and will not waver from the political agenda it has laid down.

The Right to Development

For developing countries like Myanmar, the most essential and fundamental duty is to meet the food, clothing and shelter needs of the people, and to raise their standard of living. Without ensuring this basic right, other aspects of human rights cannot be effectively implemented. Although there are countries that stress the importance of civil and political rights, developing countries like Myanmar truly believe that equal importance should be accorded to economic, social and cultural rights.

With the country experiencing peace and tranquillity, the Government is making every effort for the advancement of economic and social conditions in the country. A transition has taken place for the economy to open out to market forces where once it was an inward-looking, centrally planned one. The private sector is being encouraged to be the main component of the free market system and the people are now taking an active part in the economic life of the country.

The Government undertook wide-ranging economic reforms and implemented a stabilising programme. Having stabilised the economy, it implemented a Four-Year Economic Plan (1992-96) which outperformed its planned targets. Myanmar achieved an average GDP growth rate of 7.3% while the target was 5.6%. Presently, Myanmar is implementing a Five-Year Economic Plan. During the first year of the plan the country also out-performed its target and achieved a GDP growth of 6.4%.

The agriculture sector, being the mainstay of the country's economy, with about 38% of the total GDP, accounting for nearly 40% of foreign exchange earnings, is accorded top priority. In line with liberalising the economy, the country is also moving away from planned agriculture. Farmers who constitute 60% of the work force of the country now largely cultivate crops of their choice and are able to process, transport and trade their produce freely.

Over 23 million acres of cultivable lands still exist in the country. National entrepreneurs equipped with sufficient capital and managerial skills are now investing in the agricultural sector to utilise vacant fallow lands as well as to tame virgin land and wetlands, in order to grow crops, raise per-acre yields and boost agricultural output.

With the economic policy on the right track, the Government is giving priority to the development of the infrastructure of the country, which will in turn contribute to the success of the economy. The Government is constructing bridges, roads, railroads and motorways, dams and reservoirs throughout the country with added momentum. Local entrepreneurs are also undertaking the responsibility of implementing some of the infrastructure development projects, which in turn creates job opportunities for a large number of the work force.

The standard of living of the majority of the population has been markedly raised by the new liberal economic policy laid down by the Government. The people can now enjoy one of their most important fundamental rights, the right to development.

Rights of the Child and Rights of Women

Uplifting of the morals and morality of the entire nation, national prestige and integrity, the preservation and safeguarding of cultural heritage and national character, and the upgrading of the standards of health, education and fitness are essential for the perpetuation of the nation. The Government has laid down its social objectives accordingly, and relevant ministries are endeavouring towards the successful realisation of these objectives.

The Government is of the view that to be able to successfully uplift the morals and morality of the entire nation, the rights of our women and children must be protected and further promoted, since this group forms the most important and at the same time, the most vulnerable group of our society. The Government also believes that working within the framework of the United Nations system is the most effective and appropriate way to reach the goal. As such, Myanmar became a state party to the UN Convention on the Rights of the Child in 1991 and acceded to the UN Convention on the Elimination of All Forms of Discrimination Against Women in 1997. These measures undertaken by the Government clearly demonstrate the priority and importance it attaches to the protection and promotion of the rights of our women and children.

In order to comply with the Convention on the Rights of the Child, the State promulgated the Child Law in 1993. Subsequently, the Government formed the National Committee on the Rights of the Child whose task is to effectively implement the provisions laid down in the law. Committees on the Rights of the Child are being formed at the State and Division levels as well as at the district level. Juvenile courts have been established within Yangon Division while township judges have been conferred the powers of Juvenile Judges in areas where such courts have not yet been established. A programme of action was also adopted which the Departments of Health, Basic Education, and Social Welfare are

implementing with the close collaboration of UNICEF. Measures have also been taken to involve the whole community in the implementation of the Convention.

Myanmar is fully committed to the successful implementation of the Convention on the Rights of Child. As a developing country, and a country in transition, Myanmar comes up against constraints in carrying out the task of implementing the Convention fully. This fact is spelled out in the National Report submitted to the Committee on the Rights of the Child. The Government of the Union of Myanmar is doing its utmost to overcome the difficulties, operating in large part on its own limited resources.

The Government is assuming a leading role in coordinating and monitoring the progress made for the advancement of women. In order to systematically conduct activities for the advancement of women in the country, a separate body called the Myanmar National Committee for Women's Affairs, representing the entire mass of Myanmar women, was formed by the Government in 1996. Following this, a Working Committee for Women's Affairs was established at the national level with different sub-Committees relating to education, health, culture, economics, the girl-child, and violence against women under the Committee.

Women Affairs Committees set up at the state and division levels are effectively implementing the policies and guidelines laid down by the different sub-Committees.

One of the most recent achievements of the Myanmar National Committee for Women's Affairs in endeavouring for the advancement of women was the successful convening of the First Myanmar Women's Conference in December of last year. The Conference was organised with the noble aims of developing the life of Myanmar women, making collaborated efforts for the normal flourishing of women's rights, allowing for women to preserve and promote national culture with a nationalist spirit, and for the entire mass of

the women to strive for in the building of the nation. New plans to effectively bring about the interests of Myanmar women emerged from the Conference.

The Myanmar National Committee for Women's Affairs, together with the World Health Organisation, the Ministry of Health and the Ministry of Social Welfare, Relief and Resettlement co-sponsored the Regional Consultation on Violence Against Women and the Role of Health Sector in Yangon early this year. The issue of violence against women is one of the major concerns of the international community and this symposium was convened with the aim of adopting new strategies and means of reducing the dimensions of this social problem.

Although violence against women is not a major problem in Myanmar due to the unique culture, traditions and practices of the Myanmar society, the Sub-Committee on Prevention of Violence Against Women under the Myanmar National Committee for Women Affairs has been implementing systematic programmes for reducing this problem. Surveys and research projects are being undertaken in Yangon and other regions of the country in order to obtain more data on this subject. Awareness campaigns for the public are also being launched for dissemination of information through various means. Discussions and seminars on the subject are held in various townships. Training programmes for law enforcement personnel, prosecutors, judicial personnel and prison officials are being conducted to enhance their knowledge and awareness of the causes, consequences and mechanisms of violence against women. Measures are also being taken to educate and train personnel for the health and social services sectors on how to deal with the consequences of violence.

Moreover, counselling is also made available to the women in need of such service. In the regional context, officials of the departments concerned participate in ASEAN meetings

to share experiences and exchange knowledge with the colleagues from other member countries.

The Government of the Union of Myanmar recognises the role of women in the national development process and advocates equality between men and women.

Other women's organisations, such as the Myanmar Maternal and Child Welfare Association, the Myanmar Women's Sports Federation, the Women Chapter of the Myanmar Medical Association, and the Myanmar Women Entrepreneurs Association are also working towards the promotion of health care and socio-economic life of women and children living in both cities and rural areas.

For example, the activities of the Myanmar Maternal and Child Welfare Association range from catering to the health of mothers and children in both urban and rural areas, reducing maternal and infant death rates, opening of delivery rooms, conducting of educative training in systematic breast-feeding, taking part in National Immunisation Day activities, implementing birth spacing projects, taking control measures for AIDS, campaigning for prevention of iodine deficiency, providing general health care services and other important activities concerning women and children. Officials of the Association participated in drawing health plans together with officials of the Ministry of Health. The Government is rendering assistance to such non-governmental organisations so that they can carry out their respective tasks more effectively.

Myanmar is faithfully implementing the Beijing Declaration and Platform of Action adopted at the Fourth World Conference on Women, held in Beijing four years ago. The efforts of the Government to promote and protect the rights of women further enhance the basic rights already acceded to them by the unique culture and traditions of Myanmar.

Traditional Contribution of Labour

Myanmar is a developing country and the people living in rural and border areas are still poor and underprivileged as compared with inhabitants of developed countries. The Government is committed to help bring the inhabitants of disadvantaged areas out of their continuing cycle of poverty and to make their lives better. Since lack of infrastructure is one of the main reasons for economic and social backwardness, the Government is systematically implementing regional infrastructural development projects Without major international aid, the Government has to utilise all limited resources to bring development to those areas in most need. Hence there are times when the people of less developed areas are requested to cooperate in efforts designed to raise their standard of living.

A thorough review of the regional development projects in which the authorities have been unfairly accused of employing so-called "forced labour" will clearly reveal that there will be long term economic and social benefits for the local populace.

Remuneration is given to the people who participate in the regional development projects by the Government. In some cases, a lump sum of money is given for the benefit of the whole community. The basic needs of the people who contribute labour are also provided for by the departments concerned.

A unique Myanmar tradition, which persists to this very day, also needs to be considered when dealing with this subject. The tradition, which dates back centuries, encourages labour contribution by the local populace towards improvement of their villages, construction and maintenance of pagodas, monasteries, schools, roads, bridges as well as in the digging and clearing of lakes, wells, ponds and irrigation systems. Myanmar people

believe that the contribution of labour is both meritorious and conducive to mental and physical well-being.

Since peace has returned to the areas once inhabited by armed groups due to the national reconsolidation process of the Government, a large number of armed forces personnel are now able to assume full responsibility for the construction of new motor roads and railroads throughout the country. The local populace no longer engage in these projects.

Furthermore, the Government has invited construction tenders from local private entrepreneurs for major highways and excavation works for some of the new railway lines. This market-oriented tender system of the Government is successful in creating job opportunities at competitive rate to the benefit of the local populace.

The members of the Armed Forces have sometimes had to employ civilian labourers for transportation of equipment and supplies over difficult terrain in remote areas during military operations. Recruitment of civilian labourers are done after consultation with the local authorities and the respective military unit has the responsibility of providing wages and other basic needs for the labourers according to the rules and regulations laid down. But as practically all the armed groups have returned to the legal fold, the need for use of civilian labourers by the Armed Forces has diminished.

As a matter of policy, the Government of the Union of Myanmar does not practice or condone the practice of forced labour. Necessary directives to that effect have been issued to the departments concerned.

Myanmar has always had a sound, efficient and fair judicial system, and managed to maintain the rule of law in the country throughout its long history. No one can break the law with impunity, especially the members of the Armed Forces who have their own code of

conduct, besides the Defence Services Law, Rules and Regulations. Punishment is meted out to those found guilty of any transgressions. In fact, the members of the Armed Forces pay more heed to the Law as they can be punished by both military and civil courts.

However, it is regrettable to find false, biased and politically motivated information provided by some organisations opposing the Government in the report of the Commission of Inquiry formed by the ILO.

The Village Act (1907) and Towns Act (1908), which are alleged to be the legal basis for infringement of the relevant provisions contained in the Forced Labour Convention (29) by Myanmar, have been reviewed by the authorities on their own initiative to bring them in conformity with the prevailing conditions in the country, as well as to fulfill Myanmar's obligations to the Convention 29.

The Myanmar authorities have already assured the ILO that they will complete the process within the time frame suggested in the report of the Commission of Inquiry.

Conclusion

In view of the above, the Observer Delegation of Myanmar hopes that the members of the Commission will judge the situation in Myanmar objectively in its entirety without any prejudice and will come to understand and accept the challenges and difficulties that the Government is having to face in preserving the unity and perpetuation of the nation, and in building a democratic state in accordance with the aspirations of all citizens residing in the Union.

It also hopes that the members of the Commission will come to an agreement that at a time such as this, when the region is having to cope with a serious financial crisis which is breeding social unrest of various magnitudes in some of the countries, when serious political, ethnic and racial turmoil are threatening to destabilise the peace and unity in a number of countries around the world, the Government of Myanmar is able to maintain peace and stability, as well as law and order in the country. It also hopes that the members of the Commission will see this achievement of the Government of Myanmar as a major positive development.

However, if only minor negative aspects pertaining to the political rights of one individual or of one political party are highlighted, while downplaying the positive aspects concerning the entire population, a true picture can never emerge when the overall situation prevailing in the country is considered. This should never be the judgement of the Commission.

A multitude of positive changes have taken place in Myanmar and are continuing to do so. Unfortunately, due to constraints of space, many aspects such as the ongoing cooperation with the United Nations, participation in regional affairs, the judicial system, and developments in health and education sectors cannot be incorporated into this memorandum. However, these aspects can be referenced in a comprehensive manner in the Human Rights Commission documents E/CN.4/1997/123 and E/CN.4/1997/124 circulated in 1997, and E/CN.4/1998/150 circulated last year.

The Observer Delegation of Myanmar believes that there exist no valid grounds for introducing a resolution on the situation of human rights in Myanmar at the current session of the Commission.

However, should there be a draft resolution, the foregoing considerations require that such a draft resolution fully and accurately reflect the positive developments occurring in the country. And above all, the draft should be fair, balanced and unbiased.

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23 March 1999

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COMMISSION ON HUMAN RIGHTS
Fifty-fifth session
Agenda items 9, 14 (b) and 14 (c)

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

SPECIFIC GROUPS AND INDIVIDUALS: MINORITIES; MASS EXODUSES AND DISPLACED PERSONS

Letter dated 19 March 1999 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

I have the honour to transmit, enclosed herewith*, the text entitled "Current situation on refugees in the Federal Republic of Yugoslavia". I would like to ask you to have it published as an official document of the fifty-fifth session of the Commission on Human Rights under provisional agenda items 9, 14 (b) and 14 (c).

(Signed): Branko BRANKOVIĆ
Ambassador
Chargé d'affaires a.i.

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* The annex is reproduced as received in the language of submission only.

The current situation on refugees in the Federal Republic of Yugoslavia

1. As an outcome of the civil war and the policy of the leaderships in BiH and Croatia, 700.000 refugees and displaced persons found refuge in the FR of Yugoslavia, mostly in Serbia. Out of that number, 80.000 persons were placed in 700 refugee centers whereas the others went to their relatives' and friends', themselves already too worn out by long-lasting economic sanctions the international community imposed to the Federal Republic of Yugoslavia.

2. After termination of the UN mandate in Eastern Slavonia - Srem and Baranja region (and its "integration" into the Republic of Croatia on 15 January 1999), 60.000 new refugees from this region fled to the Republic of Serbia, women and children mostly. All these persons were granted the refugee status in Serbia along with the right to accommodation although the UNHCR did not consider them as refugees.

3. Out of that number and up to 1 March 1999, 1.191 persons were repatriated to Croatia by the UNHCR, whereas 1.861 persons were reunited with their families through the Office for Refugees and Displaced Persons of the Government of the Republic of Croatia, which makes that the total number of repatriated refugees and displaced persons amounts to 3.052.

4. Since 1992, the International Organisation for Migration (ICM) and the UNHCR contributed in large part to 33.000 persons going to third countries.

5. Refugees and displaced persons with their status in order benefit full health care protection, free education and social care (for persons mentally and physically handicapped), whereas women refugees-mothers with newborn infants in exile benefit maternity allowance, as all unemployed mothers in the FR of Yugoslavia. According to the Law on Refugees adopted in 1992 by the Assembly of the Republic of Serbia, refugees have the right to take up employment for a definite or indefinite period of time. Refugees can learn about their rights through public media or directly through contact with local representatives of the Commissioner for Refugees in municipalities they inhabit. Also, refugees publish a magazine dealing with this particular issue.

6. Funds necessary for the accommodation of refugees are covered by the republican and federal budget, whereby these allocations amount to 5% of gross national product.

7. Despite the assistance provided by the United Nations High Commissioner for Refugees, the European Council Humanitarian Office and other donors, the number of which is constantly decreasing, the humanitarian assistance, provided in such a way, makes up for only 15% of the needs of refugees.

8. Except for the particular care provided to women, children (150.000 to 18 years of age) and the elderly, which are the most vulnerable categories

among refugees, the Commissioner for Refugees of the Republic of Serbia in its work pays particular attention to the lasting solution of the refugees issue.

9. It is necessary that the international community attach greater importance to this serious humanitarian issue, in view of the fact that, due to the large number of refugees and difficult economic situation, the FR of Yugoslavia will not be able to provide shelter to refugees in an appropriate way.

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E

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COMMISSION ON HUMAN RIGHTS
Fifty-fifth session
Agenda items 9 and 14 (b)

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

SPECIFIC GROUPS AND INDIVIDUALS: MINORITIES

Letter dated 22 March 1999 from the Chargé d'affaires a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

I have the honour to transmit, enclosed herewith,* the Agreement for Self-Government in Kosmet signed in Paris on 18 March 1999 by the delegation of the Government of the Republic of Serbia. I would like to ask you to have it circulated as an official document of the fifty-fifth session of the Commission on Human Rights under agenda items 9 and 14 (b).

(signed) Branko BRANKOVIC
Ambassador
Chargé d'affaires a.i.

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* The enclosure is reproduced as received, in English only.

GE.99-11661 (E)

AGREEMENT FOR SELF-GOVERNMENT IN KOSMET

The following text of the Agreement on Self-Government of Kosmet was signed in Paris on Thursday March 18. 1999. by the representatives of seven ethnic communities living in Kosovo and Metohija - Serbs, Montenegrins, Albanians, Moslems, Turks, Roma and Egyptians as well as the representatives of the government of Serbia and the Government of the FR of Yugoslavia.

Agreement for Self-Government in Kosmet

The Signatories to the present Agreement,

Convinced of the need for a peaceful and political solution in Kosmet as a prerequisite for stability and democracy,

Determined to establish a peaceful environment in Kosmet,

Reaffirming their commitment to the Purposes and Principles of the United Nations as well as to the OSCE principles, including the Helsinki Final Act and the Charter of Paris for a new Europe,

Recalling the commitment of the international community to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia,

Recalling the basic elements/principles adopted by the Contact Group at its ministerial meeting in London of January 29, 1999,

Recognizing the need for democratic self-government in Kosmet, including full participation of the members of all national communities in political decision-making,

Desiring to ensure the protection of the human rights of all persons in Kosmet, as well as the rights of the members of all national communities,

Noting that the present Agreement has been concluded under the auspices of the members of the Contact Group and the European Union and undertaking with respect to these members and the European Union to abide by this Agreement,

Aware that full respect for the present Agreement will be central for the development of relations with European institutions,

Have agreed as follows:

Framework
Article I: Principles

1. All citizens in Kosmet shall enjoy, without discrimination, the equal rights and freedoms set forth in this Agreement.

2. National communities and their members shall have additional rights specified in Chapter 1. Kosmet, Federal, and Republic authorities shall not interfere with the exercise of these additional rights. The national communities shall be legally equal as specified herein, and shall not use their additional rights to endanger the rights of other national communities or the rights of citizens, the sovereignty and territorial integrity of the Federal Republic of Yugoslavia, or the functioning of representative democratic government in Kosmet.

3. All authorities in Kosmet shall fully respect human rights, democracy, and the equality of citizens and national communities.

4. Citizens in Kosmet shall have the right to democratic self-government through normative, executive, judicial, and other institutions established in accordance with this Agreement. They shall have the opportunity to be represented in all institutions in Kosmet. The right to democratic self-government shall include the right to participate in free and fair elections.

5. Every person in Kosmet may have access to international institutions for the protection of their rights in accordance with the procedures of such institutions.

6. The Signatories accept that they will act only within their powers and responsibilities in Kosmet as specified by this Agreement. Acts outside those powers and responsibilities shall be null and void. Kosmet shall have all rights and powers set forth herein, including in particular as specified in the Basic Act at Chapter 1.

7. The Signatories agree to cooperate fully with all international organizations working in Kosmet on the implementation of this Agreement.

Article II. Confidence Building Measures
End of Use of Force

1) Use of force in Kosmet shall cease immediately.

2) The status of police and security forces in Kosmet, shall be governed by the terms of this Agreement. Paramilitary and irregular forces in Kosmet are incompatible with the terms of this Agreement.

Return

3) The Signatories recognize that all persons have the right to return to their homes. Appropriate authorities shall take all measures necessary to facilitate the safe return of persons, including issuing necessary documents under the condition that they are the citizens of the FRY. The Signatories shall take all measures necessary to readmit returning persons to Kosmet.

4) The Signatories shall cooperate fully with all efforts by the United Nations High Commissioner for Refuges (UNHCR) and other international and non-

governmental organizations acting under auspices of the UNHCR concerning the repatriation and return of persons, including those organizations' monitoring of the treatment of persons following their return.

Access for International Assistance

5) There shall be no impediments to the normal flow of the goods into Kosmet including materials for the reconstruction of homes and structures.

6) All staff, whether national or international, working with international or non-governmental organizations including with the Yugoslav Red Cross, shall be allowed unrestricted access to the Kosmet population for purposes of international assistance. All persons in Kosmet shall similarly have safe, unhindered, and direct access to the staff of such organizations.

Other issues

7) The Federal Republic of Yugoslavia shall provide all necessary facilities including frequencies for radio communications, to all humanitarian organizations responsible for delivering aid in Kosmet.

8) All abducted persons or other persons held without charge shall be released. The Signatories shall cooperate fully with the International Committee of the Red Cross (ICRC) to facilitate its work in accordance with its mandate, including ensuring full access to all such persons, irrespective of their status, wherever they might be held, for visits in accordance with the ICRC's standard operating procedures.

1. All Signatories shall provide information, through tracing mechanisms of the ICRC, to families of all persons who are unaccounted for. The Signatories shall cooperate fully with the ICRC and the International Commission on Missing persons in their efforts to determine the identity, whereabouts, and fate of those unaccounted for.

2. Each Signatory:

(a) shall not prosecute anyone for crimes related to the conflict in Kosmet, except for persons accused of crimes against humanity and international law. The Signatories shall grant access to foreign experts (including forensics experts) along with state investigators;

(b) shall grant a general amnesty for all persons already convicted of committing politically motivated crimes related to the conflict in Kosmet. This amnesty shall not apply to those properly convicted of committing crimes against humanity and international law at a fair and open trial conducted pursuant to international standards.

Independent media

11. Recognizig the importance of free and independent media for the development of a democratic political climate necessary for the reconstruction and development of Kosmet, the parties shall insure the widest possible press freedoms in Kosmet in all media, public and private, including print, television, radio and internet.

Chapter 1

Basic Act

Affirming their belief in a peaceful society, justice, tolerance, and reconciliation,

Resolved to ensure respect for human rights and the equality of all citizens and national communities,

Recognizing that the preservation and promotion of the national, cultural, and linguistic identity of each national community in Kosmet are necessary for the harmonious development of a peaceful society,

Desiring through this Basic Act to establish institutions of democratic self-government in Kosmet grounded in respect for the territorial integrity and sovereignty of the Federal Republic of Yugoslavia and from this Agreement, from which the authorities of governance set forth herein originate,

Recognizing that the institutions of Kosmet should fairly represent the national communities in Kosmet and foster the exercise of their rights and those of their members,

Recalling and endorsing the principles/ basic elements adopted by the Contact group at its ministerial meeting in London on January 29, 1999.

Article I: Principles of Democratic Self-Government in Kosovo

1. Recognizing multi-ethnic character of Kosmet, substantial self-government shall be based on self-government of citizens in Kosmet and self-government of national communities in Kosmet.

2. Respecting the sovereignty and territorial integrity of the Federal Republic of Yugoslavia and of the Republic of Serbia, substantial self-government in Kosmet shall be based on broadest powers and rights of Kosmet organs and national communities in Kosmet. However, federal organs and organs of the Republic of Serbia shall also exercise their powers and rights in Kosmet.

3. All federal laws shall be valid and implemented, in accordance with the Constitution of the FRY, in the entire territory of the FRY, including the territory of Kosmet.

4. All republican laws enacted in accordance with the Constitution of the Republic of Serbia, whose validity and implementation are possible in line with personal principle, shall be valid and implemented in Kosmet for those physical and legal persons who chose to have these regulations implemented in their case or those laws shall be valid and implemented in the institutions, services and organizations founded by the Republic of Serbia, or whose functioning it regulated or whose work it finances (for example the laws in the field of education, science, culture, health-care, marital and family relations, adoption, tutorship, child and youth care, veterans' and disabled persons' protection, heritage, labour relations, social protection, social insurance and other).

In the fields listed above, the Assembly of Kosmet shall enact its regulations with legal force which shall be valid and implemented for those physical and legal persons in Kosmet who opt for them. They shall also be valid and implemented in the institutions, services and organizations founded by Kosmet, or whose work it regulated or finances.

5. In the fields in which validity and implementation of republican laws are not possible along the personal principle, the Assembly of Kosmet shall enact its regulations with legal effect which will be valid for all physical and legal persons in Kosmet. However, decision-making within each national community shall ensure protection from discrimination or endangering on the basis of nationality (for example, agriculture, environment, protection of plants and animals, hunting and fishing, use and management of land, public information, urban planning and construction, organization and work of the organs of Kosmet, public services of importance for Kosmet and other fields).

6. Each national community may enact separate rules for its members, in order to protect their specific national characteristics, subject to their approval (for example in the field of matrimonial and family relations, adoption, tutorship and heritage).

7. Federal laws, in the entire territory of the FRY, including in Kosmet, in accordance with the Constitution of the FRY, shall be directly enforced by the federal organs through their regional organs (they shall enact enforcement regulations, individual legal acts and carry out administration control and inspection duties);

8. Republican laws, which on the basis of personal principle, are valid and implemented in Kosmet, shall be enforced, as in the entire territory of the Republic of Serbia, including in Kosmet, by republican organs (they shall enact enforcement regulations, individual legal acts, carry out administration control and inspection duties).

9. Provincial regulations with legal effect implemented on the basis of personal principle, as well as provincial regulations with legal effect which are valid and implemented for all physical and legal persons in Kosmet, shall

be enforced by the organs of Kosmet (they shall enact enforcement regulations, individual legal acts, carry out administration control and inspection duties).

10. Individual regulations of national communities shall be enforced by the organs of that national community.

11. Kosmet shall govern itself democratically through the normative, executive, judicial, and other organs and institutions specified herein. Organs and institutions of Kosmet shall exercise their authorities consistent with the terms of this Agreement.

12. All authorities in Kosmet shall fully respect human rights, democracy, and the equality of citizens and national communities.

13. The basic territorial unit of local self-government in Kosmet shall be the commune. All responsibilities in Kosmet not expressly assigned elsewhere shall be the responsibility of the communes.

14. To preserve and promote democratic self-government in Kosmet, all candidates for appointed, elective, or other public office, and all office holders, shall meet the following criteria:

All candidates and office holders shall renounce violence as a mechanism for achieving political goals; past political activities shall not be a bar to holding office in Kosmet.

Article II: The Assembly

1. Kosmet shall have an Assembly which shall comprise 130 members. Ninety-five members shall be elected directly by citizens, through the system of proportionate representation. Kosmet shall be one electoral unit and thirty-five shall be elected by the national communities of Albanians, Serbs, Turks, Romanies, Egyptians, Goranies and Muslims, five members each.

The Assembly of Kosmet shall make decisions from its competencies by majority vote of those present and voting, unless otherwise stipulated by this Basic Act.

When the Assembly of Kosovo enacts regulations which are valid and implemented in relation to all physical and legal persons in Kosmet (when no option exists for the regulations of the Republic of Serbia), such regulations shall be enacted by majority vote of those members present and voting. At least three members from the same national community, elected by the national community, may in relation to the proposed regulation initiate a separate procedure for the protection of their vital national interests in the following cases:

- regarding the election of organs of Kosmet and equal representation of all national communities in them;

- regarding resettlement of population;

- regarding impediments to the exercise of rights;

- regarding endangering security;

- regarding worsening of conditions of life;

- regarding the adoption of the Kosmet budget.

In a separate proceeding managed by the President of the Assembly of Kosmet, together with the Vice-Presidents of the Assembly of Kosmet, those proposing the regulations and the representatives of national communities elected by the national community, shall endeavor to eliminate the causes affecting vital national interests. Those taking part in this proceeding have to take account equally of the protection of general interests and vital national interests.

Should this procedure prove to be unsuccessful (within 30 days of its initiation) and the regulation is not enacted, a proposal for its adoption may again be placed on the agenda of the Assembly of Kosmet, if at least six months have elapsed since it was asserted that the causes affecting vital national interests have not been eliminated.

2. The Assembly of Kosmet shall elect President and 6 Vice-Presidents, at least one from each national community, at the proposal of the members elected by national communities, for a four-year term. No one shall be elected as President or Vice-Presidents of the Assembly of Kosmet for more than two terms.

The President and Vice-Presidents shall decide among themselves who will exercise which competency of the President of the Assembly of Kosmet.

The President of the Assembly promulgates the regulations enacted by the Assembly of Kosmet, represents the Assembly of Kosmet, proposes agenda for the meetings of the Assembly of Kosmet and chairs its meetings, holds regular meetings with the President of the National Assembly of Serbia and Presidents of the Chambers of the Federal Assembly, maintains contacts with the organs of national communities, proposes candidates for the President of the Council of Minister, proposes candidates for judges of courts in Kosmet and performs other duties set forth in the Basic Act and other regulations.

Powers of the Assembly

3. The Assembly shall be responsible for enacting decisions and regulations with legal force of Kosmet, including in political, economic, social, educational, scientific and cultural areas as set out bellow and elsewhere in this Agreement.

a) The Assembly shall be responsible for:

(i) Financing activities of Kosmet institutions, including by levying taxes and duties on sources within Kosmet;

(ii) Adopting of budgets of the Administrative organs and other institutions of Kosmet, with the exception of communal and national community institutions unless otherwise specified herein;

(iii) Adopting regulations concerning the organization and procedures of the Administrative organs of Kosmet;

(iv) Approving the list of Ministers of the Council of Ministers, including the Prime Minister;

(v) Coordinating educational arrangements in Kosmet, with respect for the authorities of national communities and Communes;

(vi) Electing candidates for judicial office put forward by the President of Assembly of Kosmet;

(vii) Establishing a framework for local self-government;

(viii) Enacting regulations concerning inter-communal issues and relations between national communities when necessary;

(ix) Enacting regulations regulating the work of medical institutions and hospitals;

(x) Protecting the environment, where intercommunal issues are involved;

(xi) Adopting programs of economic, scientific, technological, demographic, regional, and social development, as well as urban planning;

(xii) Adopting programs for the development of agriculture and of rural areas;

(xiii) Regulating elections;

(xiv) Regulating Kosmet -owned property; and

(xv) Regulating land registries.

(b) The Assembly shall also have authority to enact decisions and regulations with force of law in areas within the responsibility of the Communes if the matter cannot be effectively regulated by the Communes or if regulation by individual Communes might prejudice the rights of other Communes on the basis of the agreement of these communes. In the absence of decisions enacted by the Assembly under this subparagraph that preempts communal action, the Communes shall retain their authority.

Article III: Council of Ministers and Administrative organs

The Council of Ministers shall perform executive functions. It shall be responsible for the enforcement of the regulations of Kosmet and shall make proposals for their adoption to the Assembly of Kosmet.

The Council of Ministers shall be composed of the President and Ministers. The candidate for the President of the Council of Ministers shall be proposed by the President of the Assembly of Kosmet. The candidate for the President of the Council of Ministers shall make a list of candidates for Ministers making sure that each national community is represented with at least one candidate and shall submit it to the Assembly for adoption. The President of the Council of Ministers cannot be from the same national community as the President of the Assembly of Kosmet. The Council of Ministers shall be elected when it receives majority of the total number of the members of the Assembly of Kosmet, i.e. when it receives majority by representatives of each individual national community.

Administrative Organs shall be responsible for assisting the Council of Ministers in carrying out its duties.

The administration organs of Kosmet shall be responsible for direct implementation of laws and decision-making in administration matters. Public officials working in the administration organs shall be fairly representative of each national community.

Article IV: Courts and enforcement

1. The functions of the courts in Kosmet shall be performed by the courts of the Republic of Serbia, Kosmet courts and the courts of national communities.

The courts in Kosmet, except the courts of national communities, shall implement the federal and republican laws, and provincial decisions and regulations with legal force.

2. Citizens and legal persons in Kosmet shall have the right to choose the court which will try their case. Any citizen and legal person in Kosmet may, at the start of court proceedings (litigation, out-of-court proceedings and criminal) as a plaintiff, petitioner or accused, choose to be tried either by the Court of the Republic of Serbia or Kosmet court.

If other participants in the proceedings (defendant or the wronged party) are not members of the same national community as plaintiff or the defendant, they may request that the members of the panel be chosen from their national community. They are also entitled to other rights in the proceedings, specified by the laws on proceedings.

The courts of national communities may be established by those national communities which established the separate rules for the settlement of disputes among the members of that national community, who accepted those rules and who agreed to the competencies of these courts.

3. The Kosmet courts shall be established, organized and their judges and jurors elected by the Assembly of Kosmet. The Kosmet courts shall be established as first instance, second instance and the High Court of Kosmet.

The High Court of Kosmet, in addition to the competencies related to trials according to regular and extraordinary legal means, in a separate permanent council composed of five judges, shall ensure that all regulations enacted by the organs of Kosmet are in line with the Basic Act of Kosmet, as well as that other regulations and general acts of organs of Kosmet are in line with the regulations with legal force enacted by the Assembly of Kosmet. In exercising this authority, this council may revoke any regulation or general act of the organs of Kosmet.

All regulations and general acts of Kosmet enacted from the competencies of the federal and republican organs set forth in the Constitution of the Federal Republic of Yugoslavia and the Constitution of the Republic of Serbia, shall be null and void. The federal and republican laws and other general acts of the federal and republican organs enacted in the fields in which Kosmet enacts regulations with legal force, implemented for all citizens and legal persons in Kosmet, shall be null and void.

4. The function of the Public Prosecutor in Kosmet shall be performed by the Federal, Republican and Kosmet Public Prosecutor. The Federal and republican prosecutor shall act before the republican and Kosmet courts, whereas the Kosmet prosecutor shall act before the Kosmet courts. The establishment, organization and competencies of Kosmet Public Prosecutor shall be specified by the regulation adopted by the Assembly of Kosmet.

5. A citizen in Kosmet who, by legally effective and enforceable ruling of the Court of the Republic of Serbia or the Kosmet court, is sentenced to an unconditional prison term in a prison set up by the Republic of Serbia according to enforcement regulations of the Republic of Serbia, if he is convicted by the republican court in the prison set up by the Assembly of Kosmet and according to enforcement regulations enacted by it, if he is sentenced by the Kosmet court.Local Police

6. In the communes in Kosmet, local police may be established as an organ performing certain police duties in the territory of a commune.

Heads and chiefs of departments of local police shall be appointed by an organ of communal government in charge of internal affairs with the approval of all national communities living in that commune.

Local police shall be representative of the national composition of the residents of the commune.

In communes with mixed population, local police departments shall be set up comprising police officers, members of the same national community. These departments shall carry out the tasks of local police in relation to members of the same national community.

In relation to members of different national communities, the duties of local police shall be jointly performed by local police officers from each department of local police.

7. Local police shall be responsible for preventing smaller violations of public order, investigation and other functions of police related to offences, traffic and patrol activities, fire protection, safety of traffic in local roads, prevention and suppression of offences, recording and controlling residence of citizens, establishment of a unique identification number and issuance of identity cards.

Other duties of police (State security, aliens, borders, serious criminal acts, arms, ammunition, explosives and other hazardous substances, traffic in regional main roads, passports, etc) in the communes where local police has been set up and all police duties in the communes where local police has not been set up, shall be performed by the state police. In larger places with mixed population traffic and patrol duties, in addition to local police, shall be performed by the State police, comprising police officers of different nationalities.

Relations between local and state police shall be based on mutual cooperation and they shall provide information to each other on all issues of importance to the performance of their duties.

8. The members of local police may use, as means of coercion, guns, rubber truncheons, handcuffs and passenger transport vehicles as well as appropriate communications means.

Local police shall be trained in appropriate police schools and its members shall be specifically trained to perform police duties in areas with mixed population.

The commune where local police has been established shall set up a commission to oversee its work. It will be composed of the representatives of all national communities living in the commune.

Article V: Human Rights and Fundamental Freedoms

1. All authorities in Kosmet shall ensure internationally recognized human rights and fundamental freedoms in Kosmet.

2. The rights and freedoms set forth in the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols shall apply directly in Kosmet. Other internationally recognized human rights instruments enacted into its regulations by the Kosmet Assembly shall also apply. These rights and freedoms shall have priority over all other law.

3. All courts, agencies, government institutions, and other public institutions of Kosmet or operating in relation to Kosmet shall conform to these human rights and fundamental freedoms.

Article VI: National Communities

1. National communities and their members shall have additional rights as set forth below in order to preserve and express their national, cultural, religious, and linguistic identities in accordance with international standards and the Helsinki Final Act. Such rights shall be exercised in conformity with human rights and fundamental freedoms.

2. Each national community may elect through democratic means institutions to administer its affairs in Kosmet.

3. The additional rights of the national communities are to:

(a) preserve and protect their national, cultural, religious, and linguistic identities, including by:

- inscribing local names of towns and villages, of squares and streets, and of other topographic names in the language and alphabet of the national community in addition to signs in Albanian and Serbian, consistent with decisions about style made by the communal institutions.

- providing information in the language and alphabet of the national community.

- providing for education and establishing educational institutions, in particular for schooling in their own language and alphabet and in national culture and history, for which relevant authorities will provide financial assistance; curricula shall reflect a spirit of tolerance between national communities and respect for the rights of members of all national communities in accordance with international standards.

- enjoying unhindered contacts with representatives of their respective national communities, within the Federal Republic of Yugoslavia and abroad.

- using and displaying national symbols, including symbols of the Federal Republic of Yugoslavia and the Republic of Serbia;

- protecting national traditions on family law by, if the community decides, arranging rules in the field of inheritance, family, and matrimonial relations; tutorship; and adoption.

- the preservation of sites of religious, historical, or cultural importance to the national community, in cooperation with other authorities.

- operating religious institutions in cooperation with religious authorities; and

- participating in regional and international non-governmental organizations in accordance with procedures of these organizations.

- be guaranteed access to, and representation in, public broadcast media, including provisions for separate programming in relevant languages under the direction of those nominated by the respective national community on a fair and equitable basis; and

- finance their activities by collecting contributions the national communities may decide to levy on members of their own communities.

- the right to enjoy unhindered contacts with members of their respective national communities elsewhere in the Federal Republic of Yugoslavia and abroad.

- equal access to employment in public services at all levels.

- the right to use their languages and alphabets.

4. Each national community and, where appropriate, their members acting individually may exercise these additional rights through Federal institutions and institutions of the Republic, in accordance with the procedures of those institutions and without prejudice to the ability of Kosovo institutions to carry out their responsibilities.

5. Every person shall have the right freely to choose to be treated or not to be treated as belonging to a national community, and no disadvantage shall result from that choice or from the exercise of the rights connected to that choice.

Article VII: Communes

1. Communes shall be units of local self-government.

The Assembly of Kosmet may change the present borders of the existing communes only with their prior consent.

2. Each commune shall have an Assembly, Executive Board and administration authorities. The organs of commune shall be set up in accordance with the principles that the organs of Kosmet have been set up.

3. Through its organs, in accordance with the legal powers of the Assembly of Kosmet, a commune shall be responsible for:

- making development plans, town planning, budget and annual accounts

- regulating and ensuring and development of communal activities;

- regulating and ensuring the use of city construction land and business space;

- taking care of construction, maintenance and use of local roads and streets and other public facilities of communal importance;

- establishing organs, organizations and services for communal needs and regulating their work.

The Assembly of Kosmet may devolve some of the duties from its competencies to a certain commune and transfer the funds to it to carry out that work.

Article VIII: Representation

1. The citizens in Kosmet shall be represented by at least 10 representatives in the Chamber of Citizens of the Federal Assembly and at least 20 representatives in the National Assembly of the Republic of Serbia.

2. At least one citizen in Kosmet shall be elected to the Federal Government and to the Government of the Republic of Serbia.

3. At least one citizen in Kosmet shall be elected as judge of the Federal Court and three judges in the Supreme Court of Serbia.

Article IX: Amendment

1. The Assembly may by a majority of two-thirds of its members, which majority must include a majority of the Members elected by the national community, adopt amendments to this Basic Act.

Article X: Entry into force

This Basic Act shall enter into force upon entering into force of this Agreement.
Chapter 3

Conduct and Supervision of Elections

Census and the first Parliamentary elections

1. The competent state authorities shall organize, together with the OSCE, as soon as possible, an objective and free census of the population in Kosmet. The census shall include information on places of residence, citizenship, nationality and other data relevant to the conduct of elections.

2. Free and fair elections for organs of Kosmet shall be held within nine months of the signing of the Agreement on Kosmet, under the supervision of OSCE.

3. The rules for the first elections for the Assembly of Kosmet, communal assemblies in Kosmet, harmonization of candidates on the basis of the OSCE electoral standards, shall be determined by the representatives of all national communities and all political parties in Kosmet.

Chapter 4

Economic Issues

Article I

1. The economy of Kosmet shall function in accordance with free market principles.

2. The authorities established to levy and collect taxes and other charges are set forth in the Agreement. Except as otherwise expressly provided, all authorities have the right to keep all revenues from their own taxes or other charges consistent with the Agreement.

3. Certain revenue from Kosmet taxes and duties shall accrue to the Communes, taking into account the need for an equalization of revenues between the Communes based on objective criteria. The Assembly of Kosmet shall enact appropriate non-discriminatory regulations for this purpose. The Communes may also levy local taxes in accordance with the Agreement.

4. If expressly required by an international donor or lender, international contracts for reconstruction projects shall be concluded by the authorities of the Federal Republic of Yugoslavia which shall establish appropriate mechanisms to make such funds available to Kosmet authorities. Unless precluded by the terms of contracts, all reconstruction projects that exclusively concern Kosmet shall be managed and implemented by the appropriate Kosmet authority.

Chapter 6

The Ombudsman

Article I: General

1. There shall be an Ombudsman, who shall monitor the realization of the rights of members of national communities and the protection of human rights and fundamental freedoms in Kosmet. The Ombudsman shall have unimpeded access to any person or place and shall have the right to appear and intervene before any domestic, Federal, or (consistent with the rules of such bodies) international authority upon his or her request. No person, institution, or entity of the Signatories may interfere with the functions of the Ombudsman.

2. The Ombudsman shall be an eminent person of high moral standing who possesses a demonstrated commitment to human rights and the rights of members of national communities. He or she shall be nominated by the President of the Assembly of Kosmet and shall be elected by the Assembly

3. The Ombudsman shall be independently responsible for choosing his or her own staff. He or she shall have six Deputies. One deputy shall be elected from each national community.

The salaries and expenses of the Ombudsman and his or her staff shall be determined and paid by the Kosovo Assembly. The salaries and expenses shall be fully adequate to implement the Ombudsman's mandate.

The Ombudsman and his or her deputies shall have immunity equal to the immunity of the members of the Assembly.

Article II: Jurisdiction

1. **The Ombudsman shall consider:**

(a) alleged or apparent violations of human rights and fundamental freedoms in Kosmet, as provided in the Constitutions of the Federal Republic of Yugoslavia and the Republic of Serbia, and the European Convention for the Protection of Human Rights and Fundamental Freedoms and the Protocols thereto; and

(b) alleged or apparent violations of the rights of members of national communities specified in this Agreement.

2. All persons in Kosmet shall have the right to submit complaints to the Ombudsman. The Signatories agree not to take any measures to punish persons who intend to submit or who have submitted such allegations, or in any other way to deter the exercise of this right.

Article III: Powers and Duties

1. The Ombudsman shall investigate alleged violations falling within the jurisdiction set forth in Article II.1. He or she may act either on his or her own initiative or in response to an allegation presented by any Party or person, non-governmental organization, or group of individuals claiming to be the victim of a violation or acting on behalf of alleged victims who are deceased or missing. The work of the Ombudsman shall be free of charge to the person concerned.

2. The Ombudsman shall have complete, unimpeded, and immediate access to any person, place, or information upon his or her request.

(a) The Ombudsman shall have access to and may examine all official documents, and he or she can require any person, including officials of Kosmet to cooperate by providing relevant information, documents, and files.

(b) The Ombudsman may attend administrative hearings and meetings of other Kosmet institutions in order to gather information.

(c) The Ombudsman may examine facilities and places where persons deprived of their liberty are detained, work, or are otherwise located.

(d) The Ombudsman and staff shall maintain the confidentiality of all confidential information obtained by them, unless the Ombudsman determines

that such information is evidence of a violation of rights falling within his or her jurisdiction, in which case that information may be revealed in public reports or appropriate legal proceedings.

(e) The Signatories undertake to ensure cooperation with the Ombudsman's investigations.

3. The Ombudsman shall issue findings and conclusions in the form of a published report promptly after concluding an investigation. Chapter 8

Amendment, Comprehensive Assessment, and Final Clauses

Article I: Amendment and Comprehensive Assessment

1. Amendments to this Agreement shall be adopted by agreement of all the Signatories, except as otherwise provided by Article X of Chapter 1.

2. Each Signatory may propose amendments at any time and will consider and consult with the other Signatories with regard to proposed amendments.

3. After three years, the signatories shall comprehensively review this Agreement with a view to improving its implementation and shall consider the proposals of any signatory for additional measures, whose adoption shall require the consent of all signatories.

Article II: Final Clauses

1. This Agreement is signed in the Albanian, English, Romany, Serbian and Turkish language.

2. This Agreement shall enter into forces after each signatory informs the other that it completed its internal procedure.

FOR

Republic of Serbia

Prof.dr. Ratko Markovic

Vice-President of the Government of

the Republic of Serbia and

Head of the Delegation

of the Republic of Serbia

FOR

Federal Republic of Yugoslavia

Prof.Dr.Vladan Kutlesic

Vice-President of the Federal Government

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Kosovo and Metohija

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national community of Albanians

Sokolj Cuse

Democratic Reform Party of Albanians

Faik Jashari

Kosovo Democratic Initative

FOR

national community of Serbs and Montenegrins

Vojislav Zivkovic

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Zeynelabidin Kureys

Guljbehar Sabovic

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national community of Muslims

Refik Senadovic

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